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**JUN 26 2007**

**OFFICE OF PETITIONS**

In re Application of	:	
Ho, et al.	:	
Application No. 09/965,419	:	ON PETITION
Filed: September 27, 2001	:	
Attorney Docket No. P18421	:	
For: METHOD AND APPARATUS FOR	:	
ENCODING INFORMATION	:	

This is a decision on the reconsideration petition under 37 CFR 1.181, filed May 25, 2007, to withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

The Office contended that the above-identified application became abandoned for failure to submit a reply to the February 27, 2006 Notice of Non-Compliant Amendment (Notice), which set an extendable one month period for reply. No extensions of time or reply being received, the Office considered this application abandoned on March 28, 2006. The filing of the present petition precedes the mailing of A Notice of Abandonment.

Petitioners allege that the February 27, 2006 Notice was not received.

The showing required to establish non-receipt of an Office communication must include:

1. A statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received.
2. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.<sup>1</sup>

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<sup>1</sup> See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the petition is granted and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2616 for re-mailing the Office action of February 27, 2006. The period for reply will run from the mailing date of the Office action.

Telephone inquiries may be directed to the undersigned at (571) 272-3230.

A handwritten signature in cursive script, reading "Shirene Willis Brantley".

Shirene Willis Brantley  
Senior Petitions Attorney  
Office of Petitions